

Provo City Utility Ordinance

Chapter 10.01 Applications for Sewer and Water Service - Payment.

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10.01.010. Application for Service. SHARE ...

Each person or entity desiring to purchase sewer and water service from the City shall make application in person, by mail or by phone, provided said person or entity furnishes the necessary information, as determined by the department, required to establish an account and ensure timely payments of utility bills. (Am 1988-56, Am 1997-15)

10.01.020. Customer Deposits. SHARE ...

(1) A person having a recent, verifiable record of two (2) continuous years of timely and complete payments to Provo City (or any other utility company) for residential utility service(s), shall not be required to pay a deposit to obtain residential sewer and water service.

(2) A person who does not have a recent, verifiable record of two (2) continuous years of timely and complete payments to Provo City (or any other utility company) for residential utility service must pay a deposit to obtain residential sewer and water service. The minimum deposit for each dwelling unit to receive service shall be as shown on the Consolidated Fee Schedule adopted by the Municipal Council. The minimum deposit may be increased to equal two (2) months' average billing for customers who fail to make timely and complete monthly payments.

(3) A person applying for nonresidential sewer and water service shall pay a deposit equal to the reasonably anticipated cost of two (2) months' sewer and water service as determined by the Public Works Department for each nonresidential water meter or sewer service.

(4) A person applying for nonresidential service shall not be required to provide a monetary security deposit for utility service upon verification and approval by Provo City of acceptable credit standing.

(5) A deposit made by a person described in Subsection (2) of this Section shall be refunded after the customer demonstrates for two (2) continuous years a record of timely and complete payment of amounts correctly billed. A deposit made by a person described in Subsection (3) of this Section shall be refunded after the customer demonstrates for three (3) continuous years a record of timely and complete payment of amounts correctly billed.

(6) Deposits may only be applied to the unpaid balance amount on closed-out accounts. Renewal of deposits applied to closed-out accounts may be required as a condition of the continuation of sewer and water service. (Am 1993-44, Am 1997-15, Am 2006-15, Am [2012-26](#))

10.01.030. Guarantees in Lieu of Deposit.

The Department of Water Resources may accept a guarantee in lieu of the customer deposit required in this Chapter, subject to the following:

- (1) The guarantor must have a recent, verifiable record of two (2) continuous years of timely and complete payments to Provo City for utility service.
- (2) The guarantor must agree in writing to pay all obligations incurred by the named purchaser for sewer and water service, and for charges to connect, disconnect or reconnect, if the same are not paid when due by the purchaser.
- (3) The guarantor may withdraw the guarantee by giving fifteen (15) calendar days written notice thereof and by paying the unpaid obligations of the purchaser through and including the notice period.
- (4) The guarantor must have an active water utility service account with Provo City and agree in writing to allow Provo City to transfer any unpaid amounts of the purchaser to the guarantor's active account should the guarantor fail to pay the purchaser's unpaid balances when requested to do so by Provo City. (Am 1994-10, Am 1997-15, Am 2006-49, Am [2012-26](#))

10.01.040. Fees to Connect Meters; Fees to Reconnect Meters, with Payment for Prior Service and Deposit Renewal.

- (1) There shall be a utility process fee, as shown on the Consolidated Fee Schedule adopted by the Municipal Council, charged for a structure to receive water service, unless the structure was disconnected for failure to pay for service, in which event the charge to reconnect shall be greater, as shown on the Consolidated Fee Schedule adopted by the Municipal Council.
- (2) If a meter at a structure was disconnected because charges for services were not paid, service shall not be reconnected until reasonable arrangements have been made for payment of unpaid charges.
- (3) If a water meter is disconnected because charges for services were not paid, or the account becomes delinquent at any time and becomes a financial risk to the City, the Department, at its discretion, may require the customer to pay a deposit of up to two (2) months' average billing amount before service is reconnected. (Am 2006-15, Am [2012-26](#))

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10.02.005. Supervision. SHARE

Water services shall be under the supervision and control of the Director of the Department of Public Works. (Am 2007-13)

10.02.010. Spring Protection Zone. SHARE

Concentrated sources of pollution shall not be allowed within spring protection zones. Spring protection zones include all land within one thousand five hundred (1,500) feet of a spring collection area which is at an elevation equal to, or higher than, the spring collection area as well as all land within one hundred (100) feet of a spring collection area which is at an elevation lower than the spring collection area. Concentrated sources of pollution include, but are not limited to, septic tanks, drain fields, garbage dumps, pit-prives, corrals, etc. Specially constructed sewer lines maybe permitted within spring protection zones at the discretion of the Director. Such sewer lines may be permitted no less that three hundred (300) feet from a spring on all lands equal to or above the spring elevation, or, on land below the spring elevation, such sewer lines may be permitted no less than thirty (30) feet from the spring. The provisions of this Section shall be superseded by State or Federal regulations which may be adopted from time to time.

10.02.020. Protection of Water Transmission Line. SHARE

No person shall establish, construct, or maintain any structure including field drains, septic tanks, pit-privies, nearer than fifty (50) feet to any Provo City eighteen (18) inch, twenty-four (24) inch, thirty (30) inch, thirty-six (36) inch, or forty-eight (48) inch water transmission main without first procuring written permission for the same from the Director.

10.02.030. Water Main Line Extensions.



(1) A developer of a project which requires the extension of water main lines shall pay the cost of such an extension. A developer who pays the cost of a water main line extension may have the right of reimbursement described in this Chapter.

(2) All subdivisions shall have a complete water distribution system installed before such subdivisions are accepted by the City. The design and construction of such a water distribution system shall be approved by the Director and the City Engineer before such system is installed. The subdivider shall install the water distribution system at the subdivider's own expense for all water mains which are eight (8) inches in diameter or less. The system shall include a feeder from the nearest adequately supplied point in the City water distribution system. In case a larger diameter than eight (8) inches is recommended by the Director, the City will pay the difference in cost between an eight (8) inch diameter main and the larger diameter main actually installed.

(3) When any street is to be paved from curb to curb with a permanent type of pavement, a six (6) inch or larger water main shall be installed in that street prior to the paving of the street. The cost of installation of such water main shall be borne by the property to be benefited by the water main.

(4) No person shall construct or cause to be constructed any water main line extension without first having plans for said main line extension approved by the Director and the City Engineer.

(5) If a person installs a water main line extension to serve a parcel of property, said main line extension shall extend completely across the parcel of property being developed. (Am 2006-49)

10.02.040. Temporary Water Main Connections.



When water service is required by an owner of real property on which there now exists or is planned for immediate construction a dwelling, other structure or improvement requiring domestic water service, and there is no water main adjacent to the property, the Department may grant permission to the applicant to have a service connection and meter set at the nearest existing water main. The applicant must agree in writing to the following conditions: To pay all costs of installation and maintenance of a pipeline from the service connection and meter to the property and assume all responsibility, liability for, and the payment of all costs and damages growing out of the installation, operation or failure of the pipeline. The connection and pipeline shall be installed and used as a temporary arrangement only. No water shall be conveyed through it for the use of any residence or property other than the property for which it was originally intended to serve under the agreement. On written demand of the Department the applicant must bear the applicant's proportionate share of the costs of such main extension and at the applicant's expense shall install a regular domestic water service, and shall discontinue the use of the temporary service connection and pipeline. (Am 2006-49)

10.02.050. Reimbursement for Water Main Line Extensions.



Any person who incurs the expense of installing a main line or trunk line in a street or easement which is adjacent to the property of another may receive reimbursement of part of that expense as follows:

- (1) The party installing the line shall enter into a written reimbursement agreement with the City before the line is completed.
- (2) If within ten (10) years from the date of the reimbursement agreement, a party connects to the line described above, the party who installed the water line shall at the time of the connection receive a reimbursement from the City in the amount described in Subsection (3) of this Section. The amount of money to be paid by the connecting party shall be the amount described in Subsection (3) of this Section. The money paid by a connecting party pursuant to this Section is separate from and in addition to the payment of water connection fees. In no event shall the right of reimbursement exceed the amount actually collected by the City from the connecting party.
- (3) The reimbursement payment for a water line shall be at the rate of eighteen dollars (\$18.00) per foot of frontage or nine dollars (\$9.00) for each side of adjacent property to the street or easement in which the water main line is located. In addition Provo City shall collect an additional one dollar (\$1.00) per foot or fifty cents (\$0.50) each side for administrative expenses.
- (4) This Section shall have retroactive application to water main lines or trunk lines constructed in the past as well as those constructed hereafter.
- (5) If Provo City installs at City expense a water mainline, Provo City may receive reimbursement from connecting parties pursuant to this Section as though the City were a private party. The agreement described in Subsection (1) of this Section shall not be required for reimbursement to the City.
- (6) The provisions of this Section shall apply to new main line extensions benefitting property not previously serviced, and shall not apply to instances of water main line replacement where water service has previously been provided.
- (7) The reimbursement payment described in Subsection (3) of this Section shall be paid at the time the building permit is issued. The rate of reimbursement per front foot shall be the rate which is in effect at the time the payment is made. (Am 1989-60, Am 1994-52, Am 2006-49)

10.02.060. Maintenance of Water Mains and Service Connections.



The obligations of the City and users of City water with respect to the maintenance of water mains and the service connections therefrom shall be as follows:

- (1) All water mains and the service connections therefrom, including all piping inside the meter box, which are located on public property shall be maintained by the City, except that the City will not maintain a service connection at any point between the meter box and the facility it serves. All such service connections shall be kept in good repair and free from leaks by the owner of the property serviced. Said service connections shall be maintained in such a condition as to be able to withstand normal maintenance to the meter, yoke, and service connection between the meter and the city's water main.
- (2) Water mains and the service connections therefrom which are located on private property shall be maintained by the owner thereof and not by the City; provided, however, that water mains which are on private property but are part of the City water distribution system shall be maintained by the City. Repairs to said lines shall be at the expense of the owner and shall be performed by the owner when reasonably requested by the City. Water service to or through mains or service connections on private property may be discontinued if the owner of said lines fails or refuses to repair the same when reasonably requested by the City.

(3) The City shall maintain all water meters including those on private property. The City shall have the right to enter onto private property to inspect, repair or replace water meters.

10.02.070. Service Line Connections. SHARE ...

(1) No service line connections shall be made to Provo City's water distribution system or to main water lines on private property without authorization of the department. The party making the connection shall be required to obtain a permit for the same and to pay the fees associated with that permit as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(2) Water Service connections including the main line tap, service line, meter box, yoke, ring and lid, may be installed by a qualified and licensed plumber or a pre-qualified utility contractor at the expense of the owner. The owner may elect to have the City install the water service connection. (Am 2006-15, Am 2006-49)

10.02.080. Separate Service Lines Required. SHARE ...

(1) Service lines must be so arranged that the supply to each separate house or premises may be controlled by a separate valve, placed within and near the line of the street curb.

(2) Where water is now supplied through one service, to one (1) or more houses or persons, the Director may, either refuse to furnish water until separate services are provided, or may continue to supply on condition that a financially responsible person shall pay for all water used through the service.

10.02.090. Abandoned Service Lines. SHARE ...

Whenever a water service line is abandoned in favor of a different service line, the old service line shall be disconnected from the main line and the old service tap shall be plugged at the main line. The cost of all such work shall be the responsibility of the owner of the property being serviced by the new water service line. Any work described in this Section shall be inspected by Provo City before backfilling.

10.02.100. Water Meter - When Required. SHARE ...

Whenever a new service line is installed connecting any premises to an unmetered private line which is supplied water from the water mains of Provo City, or whenever a service pipe is connected directly to the water system of said City, a water meter must be installed.

10.02.110. Water Meter - Location. SHARE ...

All water meters shall be installed in easily accessible locations selected by the Director.

10.02.120. Water Meter Installation. SHARE ...

Water meters shall be furnished and installed by Provo City. Water meters shall not be installed until newly installed main lines have been pressure tested, disinfected, and approved and service lines, including meter boxes and appurtenances, have been inspected and approved. No meters shall be installed until all applicable fees have been paid including water connection fees and main line extension fees as appropriate.

10.02.125. Temporary Water Service During Construction. SHARE ...

Where a water service line and meter box is reasonably available, temporary water meters may be furnished and installed by the City for use during a construction project. The City shall charge a one (1) time fee for the installation of the temporary water meter at the time the building permit is issued. The fee charged shall be set by the Director, in an amount designed to recover labor and material costs associated with installation of the temporary meter and the value of the estimated water to be used at the construction site. (Enacted 1995-14)

10.02.130. Use of Unmetered Water. SHARE

Use of unmetered water through any service line, main line, or fire hydrant is prohibited unless authorized by the department. Use of a "jumper" in place of a meter to convey water through a service line is at all times prohibited.

10.02.140. Tampering with Meter or Meter Box. SHARE

(1) It shall be unlawful for any person to tamper with, modify, or deface in any manner a water meter or meter box.

(2) Modifications or connections to piping inside the meter box are prohibited, specifically sprinkler system connections inside the meter box or at any point on the service line between the meter and the distribution main are prohibited. Any such connections shall be removed at the expense of the owner of the property being served.

10.02.150. Turning On After Being Turned Off Prohibited. SHARE

It shall be unlawful for any person after the water has been turned off from such person's premises because of non-payment of rates or other violation of the rules and regulations pertaining to the water supply, to turn on or allow the water to be turned on, or use or allow the water to be used, without permission from the Director. (Am 2006-49)

10.02.160. Wasting Water. SHARE

It shall be unlawful for any water user to waste water, or to allow it to be wasted by imperfect stops, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow, or to wastefully run water from hydrants, faucets or stops, or through basins, water closets, urinals, sinks or other apparatus, or to use the water for purposes other than those for which the user has paid or to use water in violation of the rules and regulations for controlling the water supply and the provisions of this Title. (Am 2006-49)

10.02.170. Cost of Pumping Water. SHARE

Whenever it becomes necessary to pump water to a home owner whose property is within or without the City limits, the cost of the pump or pumps and the installation thereof, together with the cost of operation, shall be borne by the home owner, and all water shall be metered at the City outlet below the pressure pump. No pumps shall be installed unless the pumps shall have a capacity to create a pressure of twenty (20) pounds or more per square inch at the highest meter where the water shall be delivered.

10.02.180. Use and Regulation of Fire Hydrants and Valves. SHARE

It shall be unlawful for any person, without obtaining prior permission from the department, to turn on, turn off, operate or tamper with any fire hydrant or any valve constituting a part of the City water system for any purpose whatsoever. In addition to the criminal punishment hereinafter provided, any person violating this provision shall be liable for all ensuing damages to valves and to private property.

10.02.190. Shutting Off Water - City Liability.

Provo City reserves the right at any time, without notice, to shut off the water from its mains for the purpose of making repairs or extensions or for other purposes, and no claim shall be made against the City, by reason of any breakage whatsoever, or for any damage that may result from the shutting off of water for repairing, laying or relaying mains, hydrants, or other connections, or for any other reason whatsoever.

10.02.200. Director To Have Free Access.

Free access shall at all ordinary hours be allowed to the Director, or other authorized persons, to all places supplied with water from the City water system, to examine the apparatus, the amount of water used, the manner of its use, and to make all necessary shutoffs for vacancy, delinquency and violations of this Title.

10.02.210. Fire Service Lines.

Private fire service lines designed to provide fire protection to a building or buildings shall be constructed according to Provo City specification at the expense of the owner of the building being serviced. Maintenance associated with such fire service lines shall also be at the expense of said owner. Water service lines and meters may be connected to fire service lines when approved by the Director where said metered service lines are intended to provide metered water to the same building being service by the fire service line.

10.02.220. Scarcity of Water - Mayor's Proclamation.

- (1) In the event of scarcity of water, whenever it shall, in the judgment of the Municipal Council be necessary, the Mayor shall by proclamation limit the use of water for other than domestic purposes, to such extent as may be required for the public good.
- (2) It shall be unlawful for any person, family, servant or agent to violate any proclamation made by the Mayor in performance of this Section, and if any violation thereof shall occur, then in addition to any other penalty therefor the water supply to the premises upon which such violation occurs shall be shut off, and if shut off on that account, it shall not be turned on again until the payment of the uniform turn-on fee. (Am 2006-49)

10.02.230. Water Service Outside of City Limits.

- (1) Where there is a surplus of water, the City may at its discretion, sell such surplus to users outside of the City at a price and on such terms as may, from time to time, be established by the Municipal Council. All main lines must be installed by the applicant, the type, and construction to be approved by the Director. Individual connections from the main lines will be made in accordance with the provisions of this chapter.
- (2) The furnishing of such surplus water to users outside the City shall not constitute a vested right in such water, and the Director may at any time, in the Director's sole discretion, terminate such service.
- (3) As a condition to providing any water service outside of the City limits, the non-city resident or business customer shall consent to any action to annex the property being served into Provo City. Failure of the customer to consent to annexation shall be sufficient grounds to terminate water service. (Am 2006-49)

10.02.240. Water User Fees.

(1) Water user fees shall be charged as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(2) All monthly water service rates charged customers outside the corporate limits of Provo City shall be at double the rate above provided for services within the corporate limits of Provo City.

(3) Main line extension fees and water connection fees charged for the connection of property outside the city limits shall be the same as those within the city limits as shown on the Consolidated Fee Schedule adopted by the Municipal Council. (Am 1988-56, Am 1992-70, Am 1994-42, Am 1994-88, Am 2005-51, Am 2006-15, Am 2006-16)

10.02.250. Water Connection Fees.



(1) When the City furnishes all materials and provides all labor associated with the service connection, including main line tap, service line to nearest property line, meter, yolk, meter box, ring and lid, the charges shall be as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(2) Meter installations eight (8) inches and larger shall be installed for the actual cost of labor, equipment, and materials including appropriate overhead charges as set by the Director. The estimated cost for each installation shall be deposited in cash with the City in advance and any difference in cost shall be reimbursed to or collected from the customer at the completion of the installation.

(3) When the main line tap, service line, yolk, meter box, ring, and lid is installed by others and the City furnishes and installs the meter only, charges shall be as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(4) The charges described in Subsections (1) and (3) above shall be paid when a building permit is issued. (Am 1994-42, Am 1994-88, Am 1997-43, Am 1999-64, Am 2005-09, Am 2006-15)

10.02.260. Credit for Abandoned Water Service Connections.



If one (1) or more water service connections is abandoned in favor of a different or larger service connection a credit shall be given equal to the difference between the availability charge for the new or larger service and the availability charge for the old or smaller service as described in Section [10.02.250](#), Provo City Code. In no case shall the credit given be greater than the availability charge for the new or larger service line. (Am 1994-10)

10.02.270. Cross Connection Control and Backflow Prevention.



(1) It shall be unlawful at any place supplied with water from the Provo City Water Distribution System to do any of the following:

(a) to install or use any physical connection or arrangement of piping or fixtures which may allow any fluid or substance not suitable for human consumption to come in contact with potable water in the Provo City Water Distribution System;

(b) to install any connection, arrangement, or fixtures without using a backflow prevention device or assembly designed to prevent a violation of Subsection (1)(a) of this Section. Any such device or assembly must be approved for installation by the Provo City Division of Water Resources with respect to each application; or

(c) to install any backflow prevention device or assembly described in Subsection (1)(b) of this Section which is not installed as required in the Utah Plumbing Code.

(2) Officers and employees of Provo City shall have the right to enter any place which is supplied with water from the Provo City Water Distribution System and conduct a hazard survey or any other examination or test reasonably necessary to the enforcement of this Section.

(3) Any user of water from the Provo City Water Distribution System, and not Provo City, shall pay all costs of installation and testing of backflow prevention devices or assemblies.

(4) Backflow prevention devices or assemblies required by this Section shall be tested not less than once each year by a technician certified by the Drinking Water Board of the State of Utah. Test results shall be furnished to the Provo City Division of Water Resources.

(5) Water service may be discontinued to any user who is found to be in violation of this Chapter and who fails to take corrective action within ten (10) days after violation notification, except that water service may be discontinued immediately if an immediate threat to the water supply exists.

(6) Any person who violates the provisions of this Section shall be civilly liable to Provo City, and to third persons other than Provo City, for all damage proximately caused by said violation. (Enacted 1991-05, Am 2010-13)

Chapter 10.03

Sewer Service - General Provisions.

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10.03.010. Responsibilities of Director.



The sewer system shall be under the supervision and control of the Director of the Department of Public Works. (Am 1998-56, Am 2005-51)

10.03.020. Duties and Powers of the Director.



The Director shall in performance of official duties have authority to examine any building in which plumbing is installed. When upon examination, any plumbing or connection thereto in any building or other structure, shall be adjudged by the Director to be dangerous to life or health or when the Utah County Health Department shall make such a determination, the Director shall immediately notify the owner, or person in charge of such building or structure, or the owner's agent, or the occupant thereof to have the same repaired or replaced within ten (10) days thereafter. (Am 2006-49)

10.03.030. Sewer Main Line Extensions.



- (1) A developer of a project which requires the extension of sewer main lines shall pay the cost of such extension. A developer who pays the cost of a water main extension shall have the right of reimbursement as described in this Chapter.
- (2) All subdivisions shall have a complete sewer collection system installed before such subdivisions are accepted by the City. The design and construction of such a sewer collection system shall be approved by the Director and the City Engineer before such a subdivision system is installed. The subdivider shall install the sewer collection system at the subdivider's own expense for all sewer mains within the subdivision. The sewer system shall include a connection to the nearest adequate point in the City sewer collection system. In case a larger diameter than eight (8) inches is recommended by the Director, the City will pay the difference in cost between an eight (8) inch diameter main and the larger diameter main required by the City.
- (3) When any street is to be paved from curb to curb with a permanent type of pavement, an eight (8) inch or larger sewer main shall be installed in that street prior to the paving of the street. The cost of the installation of such a sewer main shall be borne by the property owner with frontage on said sewer main.
- (4) No person shall construct, nor cause to be constructed, any sewer main in Provo City without first having plans for said sewer main approved by the Director and the City Engineer.
- (5) If a person installs a sewer main line extension to serve a parcel of property, said main line extension shall extend completely across the parcel of property being developed. (Am 2006-49)

10.03.040. Reimbursement For Sewer Main Line Extensions.



Any person who incurs the expense of installing a sewer main line or trunk line in a street or easement which is adjacent to the property of another may receive reimbursement of part of that expense as follows:

- (1) The party installing the sewer line shall enter into a written reimbursement agreement with the City before the line is completed.
- (2) If within ten (10) years from the date of the reimbursement agreement, a party connects to the sewer line described above, the party who installed the sewer line shall at the time of the connection receive a reimbursement from the City in the amount described in Subsection (3) of this Section. The amount of money to be paid by the connecting party shall be the amount described in Subsection (3) of this Section. The money paid by a connecting party pursuant to this Section is separate from and in addition to the payment of sewer connection fees. In no event shall the right of reimbursement exceed the amount actually collected by the City from the connecting party.
- (3) The reimbursement payment for a sewer line shall be at the rate of twenty dollars (\$20.00) per foot of frontage or ten dollars (\$10.00) for each side of adjacent property to the street or easement in which the sewer main line is located. In addition Provo City shall collect an additional one dollar (\$1.00) per foot or fifty cents (\$0.50) each side for administrative expenses.
- (4) This Section shall have retroactive application to sewer main lines or trunk lines constructed in the past as well as those constructed hereafter.
- (5) If Provo City installs at City expense a main line, Provo City may receive reimbursement from connecting parties pursuant to this Section as though the City were a private party. The agreement described in Subsection (1) of this Section shall not be required for reimbursement to the City.
- (6) The reimbursement payment described in Subsection (3) of this Section shall be paid at the time the building permit is issued. The rate of reimbursement per front foot shall be that rate which is in effect at the time of payment. (Am 1988-59, Am 1989-60, Am 1994-52, Am 2006-49)

10.03.050. Maintenance of Sewer Mains.



- (1) Provo City shall be responsible for the maintenance of all sewer mains which are on public property.
- (2) In the case of private developments such as apartment complexes, mobile home parks, planned unit developments, commercial developments, etc., where sewer main lines exist in streets, parking lots, etc., not dedicated for public use, the property owners shall be responsible for sewer lateral and main line maintenance, and shall keep such laterals and main lines free from the intrusion of groundwater. The City may lend technical assistance in locating the source of any groundwater infiltration.

10.03.060. Installation and Maintenance of Sewer Laterals.



- (1) It shall be the duty of any person connecting a private sewer to the City's sewer mains to bear the responsibility and cost for installation of the lateral from the private system to the City main including the payment of applicable fees and/or inspection charges and to pay all costs in connection with maintenance thereof including the maintenance of any lateral sewer line and any

connecting device attaching the lateral line to the City main, except as noted in (2) below. All such private laterals must be maintained in a watertight condition.

(2) In the event that a lateral is not watertight and is allowing groundwater to enter City mains, the City will cause the lateral to be repaired to a watertight condition and will pay the cost thereof. Should this repair necessitate excavation outside the street right-of-way, the City will back fill and compact the excavation and replace concrete curb and gutter and sidewalk as necessary. The property owner will assume all responsibility and cost of the replacement of lawn, shrubs, and other landscaping affected by such excavation.

(3) In no case shall this Chapter be construed to hold the City responsible for the maintenance of sewer laterals associated with damaged pipes, plugs, roots, etc., where groundwater intrusion into the lateral is not apparent. All such repairs and maintenance shall be the sole responsibility of the property owner.

10.03.070. Abandonment of Sewer Laterals.



Whenever an existing sewer lateral(s) is abandoned in favor of a new lateral, the abandoned lateral shall be disconnected at the main line and the lateral tap into the main line shall be plugged. All costs associated with labor and material for such work shall be the responsibility of the property owner causing the lateral to be abandoned.

10.03.080. Mandatory Hookup to Sewers.



(1) Pursuant to the authorization set forth in Section [10-8-38](#), Utah Code, as amended, and for the purposes therein set forth, any building used for human occupancy located on a lot where the property line is within three hundred (300) feet of an available and suitable sewer line shall be connected to the City sewer line at the expense of the owner or occupant thereof.

(2) Any sewer connections made pursuant to this section shall be subject to all fees described in this Title and as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(3) Connection to the sewer shall be within three (3) years after construction of the sewer line adjacent to the property. Any property not connected to the City sewer thereafter shall be a public nuisance and subject to the powers made available to the City to abate nuisances. (Am 2010-05)

10.03.090. Privies, Cesspools and Septic Tanks.



(1) Privies, cesspools, and septic tanks shall not be constructed within the corporate limits of Provo City to service property which has access to a sewer main or which would have access to a sewer main subject to the construction of a sewer main line extension.

(2) Should the Director determine that a sewer main line extension is unreasonable the Director may allow the temporary use of a septic tank, provided all conditions relative to the use of septic tanks as established by the Utah County Health Department can be met. (Am 2006-49)

10.03.100. Wastes from Septic Tanks and Cesspools.



It shall be unlawful for any person, firm, or corporation to discharge the waste material collected and gathered in cleaning cesspools or septic tanks at any place within the corporate limits of the City except at the Water Reclamation Plant of Provo City. (Am 1995-12)

10.03.110. Discharge of Storm Water. SHARE

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage water to any sanitary sewer. (Am 1995-12)

10.03.120. Waters and Wastes Prohibited in Public Sewers. SHARE

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the pollutants described in Section [10.04.040](#), Provo City Code, General Discharge Prohibitions. (Am 1993-04, Am 1995-12)

10.03.130. Grease, Oil and Sand Interceptors. SHARE

(1) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily and easily accessible for cleaning and inspection.

(2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas tight and watertight.

10.03.140. Maintenance of Grease, Oil and Sand Interceptors. SHARE

Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times. The City will periodically inspect interceptors to determine compliance. If the interceptor is found to be in noncompliance, the owner shall properly clean the interceptor within the time period designated by the inspector. If the owner encounters unforeseen delays in cleaning the interceptor, the owner shall contact the inspector for an extension which may be granted for good cause. (Am 1995-12)

10.03.150. Preliminary Treatment Facilities. SHARE

(1) Users whose facilities produce potential discharges in quantities or concentrations which are prohibited under Sections [10.04.040](#) or [10.04.070](#), Provo City Code must provide preliminary treatment facilities designed to bring such discharges into compliance with said Sections.

(2) Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Director and of the water pollution control committee of the State of Utah, and no construction of such facilities shall be commenced until said approvals are obtained in writing. (Am 1995-12)

10.03.160. Maintenance of Preliminary Treatment Facilities. SHARE

Where preliminary treatment facilities are provided for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the owner's expense. (Am 1995-12)

10.03.170. Control Manhole for Sampling and Measurement of Wastes.



When required by the Director the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at the owner's expense, and shall be maintained so as to be safe and accessible at all times. (Am 1995-12)

10.03.180. Standards for Measurements, Tests and Analyses.



All measurements, tests and analyses of wastewater characteristics shall be determined in accordance with Standard Methods or [40CFR 136](#) for the examination of pollutants, and shall be determined at the control manhole provided for in Section [10.03.170](#), Provo City Code, or on suitable samples taken at said control manhole and tested in an appropriately certified laboratory. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. (Am 1995-12)

10.03.190. Acceptance of Industrial Waste Under Special Agreement.



No statement contained in this Chapter shall be construed as providing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern.

10.03.200. Right of Entry for Inspection.



The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter on all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Title.

10.03.210. Sewer Connection.



The connecting party shall bear all costs, including labor and materials associated with a sewer lateral connection. (Am 1991-60, Am 1994-42, 1997-43, Am 2005-09)

10.03.220. Credits for Existing Sewer Laterals.



When the use of a property serviced by an existing sewer lateral is changed in favor of another use, a credit may be given equal to the difference between the sewer connection fee for the new use and the sewer connection fee for the existing use. In no case shall the credit given be greater than the connection fee for the new use. (Am 1994-10)

10.03.230. Sewer User Fees.



(1) The schedule of charges to be imposed for regular monthly service rendered to the users of the sewer system of Provo City shall be based, insofar as possible, upon the amount of culinary water consumed by such use. The Director of Water Resources Department may, under abnormal circumstances, make adjustments as needed to ensure equitable service charges. The Director may make such adjustments where excessive quantities of culinary water are metered which are consumed on the premises and which do not enter the sewage system. The consumer will have the burden of proving such inequities by showing that the quantity metered exceeds by at least twenty percent (20%) the total flow to the sewer system in order to merit

consideration by the Director. Reductions shall be based on the cost per one hundred (100) cubic feet as listed below on the adjusted meter rate. This provision shall apply to all of the following provisions:

(2) Service charges. All sewer accounts shall be charged a monthly minimum charge, plus a fee per one hundred (100) cubic feet of water or sewer meter reading as shown on the Consolidated Fee Schedule adopted by the Municipal Council. During the winter months of each year, an average monthly water consumption shall be determined by the Director for single-family residential and other approved customers, and this average monthly water consumption shall be the basis for sewer billing for the next twelve (12) month period. Any accounts whose summer time or other unusual usage is shown to include more than twenty percent (20%) of the metered water which does not enter the sewer system as determined by the Director, may have their discharge to the sewer established by their winter time usage or some other means approved by the Director.

(3) Metering of sewer lines. Metering of sewer lines will be allowed subject to the following requirements:

(a) The user will furnish and install the meter per the City's standards and specification at the user's expense.

(b) When the City requires or approves the installation of a meter on a user's sewage flow, the charges for sewer service will be based upon the sewer meter rather than upon the water meter readings.

(c) Sewer meters shall be maintained by the City at the users' expense.

(4) Surcharges.

(a) Any person receiving City sewer service who causes a concentration of Biochemical Oxygen Demand (BOD) exceeding an average of three hundred (300) mg/liter to be discharged into the City sewer system shall pay a surcharge as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(b) Any person receiving City sewer service who causes a concentration of Suspended Solids (SS) exceeding an average of three hundred fifty (350) mg/liter to be discharged into the City sewer system shall pay a surcharge as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(c) Any person receiving sewer service who causes a concentration of oil or grease (O&G) exceeding one hundred (100) mg/liter to be discharged into the sewer system shall pay a surcharge as shown on the Consolidated Fee Schedule adopted by the Municipal Council. In addition, sewer service may be discontinued at any location from which concentrations of more than one thousand (1000) mg/liter of oil or grease.

(d) The City or owner shall test concentration levels not less than once each ninety (90) days. The most recent test result shall be the basis for calculating surcharges. A reasonable number of additional tests for concentration levels shall be prepared at the request of a sewer service customer. For such additional tests the customer shall pay a fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council for each test which shows a concentration which subjects the customer to a surcharge.

(5) New connections. New connections which do not have sufficient data to establish the monthly discharge to the sewer shall be assessed monthly charges as shown on the Consolidated Fee Schedule adopted by the Municipal Council until such data is available:

(6) Stopped meters. Usage for the previous year during the same period shall be used to establish billings with adjustments for previous months usage where the meters have been stopped.

(7) Sewage treatment plant charges for hauled-in waste. Trucked-in waste shall not be permitted in the Provo City Water Reclamation Plant without the completion of a waste manifest describing the source and nature of the waste being discharged and its approval by the control authority. Charges for hauled in sewage shall be as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(8) Charges to buildings not connected to available sewer. Pursuant to Section [10.03.080](#), Provo City Code, any buildings used for human occupancy which are within three hundred (300) feet of an available and suitable sanitary sewer and are not connected to said sewer shall be charged at the rate shown on the Consolidated Fee Schedule adopted by the Municipal Council until such time that they are connected, after which the applicable user rate charge shall apply. (Am 1993-05, Am 1994-10, Am 1995-12, Am 1998-59, Am 1998-66, Am 1999-64, Am 2006-15)

10.03.240. Metering Where Water Not Supplied By City.



Any person or firm using water which is not furnished to them from the Provo City water system and which water is discharged by said person or firm into Provo City sewer system, shall, at their own expense, and under the supervision of the Director, install a meter either on their water supply or in the sewer line and shall be charged for service in accordance with the charges set forth in this Title.

10.03.250. Metering Where Water Not Discharged to Sewer.



Any person, or firm, using Provo City culinary water, a part of which does not go into Provo City sewer system may, at their own expense, and under the supervision of the Director, install a meter on their sewer line or design and construct their water system in such a way that a complete separation is made between the part of the system that empties into the sewer and that which does not go into the sewer, and install separate water meters on each part of the water system. Such users shall be charged for sewer service as set forth in this Title.

10.03.260. Sewer Service Outside of City Limits.



(1) The City may at its discretion, provide sewer service to users outside of the City at a price and on such terms as shall be shown on the Consolidated Fee Schedule adopted by the Municipal Council. All main lines shall be installed by the applicant, the type, and construction to be approved by the Director. Individual connections from the main lines will be made in accordance with the provisions of the Provo City Code.

(2) The furnishing of sewer service to users outside the City shall not constitute a vested right to such service, and the Director may at any time, in the Director's sole discretion, terminate such service.

(3) As a condition to providing any sewer service outside of the City limits, the non-City resident or business customer shall consent to any action to annex the property being served into Provo City. Failure of the customer to consent to annexation shall be sufficient grounds to terminate sewer service.

(4) Monthly service rates charged customers outside the corporate limits of Provo City shall be as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(5) Main line extension fees and sewer connection fees charged for the connection of property outside the City limits shall be the same as those within the City limits. (Enacted 1993-46, Am 2006-15, Am 2006-49)

Chapter 10.04 Pre-treatment Program.

- [10.04.010.](#) Purpose and Policy.
- [10.04.020.](#) Definitions.
- [10.04.030.](#) Abbreviations.
- [10.04.040.](#) General Discharge Prohibitions.
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- [10.04.290.](#) Severability.
- [10.04.300.](#) Conflict.

(1) This Chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for Provo City and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations ([40](#) CFR, Part 403).

(2) The objectives of this Chapter are:

- (a) To prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewater and sludges from the system; and
- (d) To provide for equitable distribution of the cost of the municipal wastewater system.

(3) This Chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain users who could cause pass through and/or interference, through enforcement of general requirements and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(4) This Chapter shall apply to Provo City residents and to persons outside the City who are, by contract or agreement with the City, users of the City POTW.

(5) Except as otherwise provided herein, the Director of the City Water Resource Department shall administer, implement, and enforce the provisions of this Chapter. (Am 1991-41, Am 1993-33, Am 1995-12)

10.04.020. Definitions. SHARE ...

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

"Act" The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, [33](#) U.S.C. [1251](#), et seq.

"Approval Authority" The State of Utah Division of Water Quality Utah Pollution Discharge Elimination System (UPDES) and Pretreatment Program as administered by the Director or the Director's designee.

"Authorized Representative of Industrial User" An authorized representative of an Industrial user may be:

- (a) A principal executive officer of at least the level of vice-president, if the Industrial user is a corporation;
- (b) A general partner or proprietor if the Industrial user is a partnership or proprietorship, respectively;
- (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

"Biochemical Oxygen Demand (BOD)" The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/liter)).

"Building sewer" A sewer conveying waste-water from the premises of a user to the POTW.

"Categorical standards" Industrial waste discharge standards developed by the United States EPA that are applied to control the effluent from any industry that discharges to a POTW.

"City" Provo City, or the Municipal Council for legislative purposes, or the Mayor or the Mayor's designated representative for administrative purposes.

"Control authority" The term "control authority" shall refer to the "Approval Authority," defined hereinabove; or Provo's Director of the Water Resource Department that administers and implements the Pretreatment program.

"Direct discharge" The discharge of treated or untreated wastewater directly to the waters of the State of Utah.

"Director" The Director of the Provo City Water Resource Department.

"Environmental Protection Agency, or EPA" The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

"Grab sample" A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and without consideration of time.

"Indirect discharge" The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, ([33 U.S.C. 1317](#)), into the POTW (including holding tank waste discharged into the system).

"Industrial user" A source of Indirect Discharge which does not constitute a "discharge or pollutants" under regulations issued pursuant to Section 402, of the Act. ([33 U.S.C. 1342](#)). For purposes of this Chapter, an "industrial user" is a source of non-domestic wastes from industrial processes.

"Interference" The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's UPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, ([33 U.S.C. 1345](#)) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

"National Categorical Pretreatment Standard or Pretreatment Standard" Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act ([33 U.S.C. 1347](#)) which applies to a specific category of Industrial Users.

"National Prohibitive Discharge Standard or Prohibitive Discharge Standard" Any regulation developed under the authority of 307(b) or the Act and [40](#) CFR, Section 403.5.

"New source" Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section.

"Non-contract cooling water" Water discharged from any use such as conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

"North American Industry Classification System (NAICS)" The 2002 industry classification system, used by the United States Census Bureau and other Federal agencies to classify various sectors of the economy, issued by the Executive Office of the President, Office of Management and Budget.

"Pass through" A discharge which exits the POTW into waters of the State of Utah in the quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's UPDES permit.

"Person" Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"pH" The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

"Pollution" The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"Pollutant" Any substance not normally associated with domestic wastewater including but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

"Pretreatment or treatment" The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by [40](#) CFR Section [403.6](#)(d).

"Pretreatment requirements" Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

"Publicly owned treatment works (POTW)" A treatment works as defined by Section 212 of the Act, ([33](#) U.S.C. [1291](#)) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Chapter, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

"POTW Treatment Plant" That portion of the POTW designed to provide treatment to waste-water.

"Septic tank/cesspool" A tank or pond in which organic matter in wastewater is decomposed by anaerobic bacteria and water is allowed to separate causing solids to concentrate into a sludge.

"Significant industrial user" Any industrial user of the City's wastewater disposal system who is subject to National Categorical Pretreatment Standards or who

- (a) has a discharge of process wastewater flow to the POTW of twenty-five thousand (25,000) gallons or more per average work day, or

- (b) has a flow greater than five percent (5%) of the flow in the City's wastewater treatment system; or

- (c) discharges toxic pollutants as defined pursuant to Section 307 of the Act of the (State) Statutes and rules; or

- (d) is found by the City, (State Control Agency) or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or the air emissions generated by the system, or

- (e) has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. This definition shall include domestic waste haulers.

"Slug discharge" A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

"State" State of Utah.

"Storm water" Any flow occurring during or following any form of natural precipitation and resulting therefrom.

"Suspended solids" The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

"Toxic pollutant" Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.

"User" Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

"Utah Pollution Discharge Elimination System or UPDES Permit" A permit issued by the Utah Approval Authority which is designed to control all discharges of pollutants that enter the waters of the State from all point sources of pollution, pursuant to section 402 of the Act ([33 U.S.C. 1342](#)).

"Waste holding tank" A container designed to temporarily hold sanitary or process wastewater until it can be hauled to a POTW, and has received slight biological decomposition. Containers consist of portable chemical toilets, recreational vehicles/trailer tanks, and other tanks that totally contain all waste without allowing any release to the environment.

"Wastewater" The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with may be present, whether treated or untreated, which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

"Water of the State" All streams, lakes, ponds, wetlands, marshes, water courses, water-ways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

"Wastewater Contribution Permit" As set forth in Section [10.04.150](#), Provo City Code. (Am 1991-41, Am 1995-12, Am 2005-17, Am 2006-49)

10.04.030. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand.
CFR	Code of Federal Regulations.
EPA	Environmental Protection Agency.
l	Liter.
mg	Milligrams.
mg/liter	Milligrams per liter.
POTW	Publicly Owned Treatment Works.
SIC	Standard Industrial Classification.
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901 , et. seq.
UPDES	Utah Pollutant Discharge Elimination System.
USC	United States Code.
TSS	Total Suspended Solids.

The City may, for administrative purposes, use such other abbreviations as may be necessary or convenient in a Pre-treatment Policy and Procedures Manual. (Am 1991-41, Am 1995-12)

10.04.040. General Discharge Prohibitions.

(1) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, gases or other pollutants which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in [40 CFR 261.21](#). At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, per-chlorates, bromates, carbides, hydrides and sulfides and any other substances which the City, the State or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous pollutants in amounts which may cause obstruction to the wastewater flow resulting in interference with the operation of the POTW wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal entrails or tissues, paunch manure, bones, hair, hides or fleshings, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than five and five-tenths (5.5) or greater than eleven (11.0), unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structure, equipment, and/or personnel of the POTW.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injury or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in Federal, State or Local Pretreatment Standards. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under [40 CFR part 503](#); any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its UPDES Permit or [40 CFR part 503](#) regulations.

(h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater containing Biochemical Oxygen Demand (BOD) concentrations in excess of seven hundred fifty (750) mg/liter, Total Suspended Solids (TSS) concentrations in excess of one thousand eight hundred seventy-five (1875) mg/liter, or Oil and Grease concentrations in excess of four hundred fifty (450) mg/liter.

(j) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations.

(k) Any wastewater which causes a hazard to human life or creates a public nuisance.

(l) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (one hundred four (104) degrees Fahrenheit).

(m) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(n) Pollutants which result in the presence of toxic gases vapor or fumes within the POTW in a quantity that may cause worker health and safety problems.

(o) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(2) When the Director determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to Interfere with the operation of the POTW, the Director shall:

(a) Advise the user(s) of the impact of the contribution on the POTW; and

(b) Develop effluent limitations(s) for such user to correct the Interference with the POTW. (Am 1991-41, Am 1993-05, Am 1993-33, Am 1995-12, Am 1999-65, Am 2005-17)

10.04.050. Federal Categorical Pretreatment Standards. SHARE

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this Chapter. The Director shall notify all affected Users of the applicable reporting requirements under [40](#) CFR, Section 403.12. (Am 1991-41, Am 1995-12)

10.04.060. Modification of Federal Categorical Pretreatment Standards. SHARE

Where the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title [40](#) of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal Pretreatment Standards if the

requirements contained in [40](#) CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained. (Am 1991-41)

10.04.070. Specific Pollutant Limitations.



No person shall discharge waste water containing pollutants that will interfere with the operation and performance of the Water Reclamation Plant. The daily maximum concentration of specific pollutants allowed by dischargers will be as follows:

Arsenic	0.69 mg/liter
Cyanide	0.89 mg/liter
Cadmium	0.29 mg/liter
Phenols	1.04 mg/liter
Chromium(Total)	3.11 mg/liter
BOD	750 mg/liter
Copper	2.14 mg/liter
TSS	1875 mg/liter
Lead	0.87 mg/liter
Oil-Grease	450 mg/liter
Mercury	0.051 mg/liter
pH	5.5 - 11.0
Molybdenum	0.95 mg/liter
BTEX	0.75 mg/liter
Nickel	3.91 mg/liter
Benzene	0.05 mg/liter
Selenium	0.35 mg/liter
TTO	2.0 mg/liter
Silver	0.80 mg/liter
Zinc	6.53 mg/liter

(Am 1988-59, Am 1991-41, Am 1995-12, Am 1999-64, Am 2005-17)

10.04.080. State Requirements.



State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Chapter. (Am 1991-41)

10.04.090. City's Right of Revision.



The City reserves the right to establish by this Chapter more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section [10.04.010](#), Provo City Code. (Am 1991-41)

10.04.100. Excessive Discharge. SHARE

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State. (Am 1991-41, Am 2005-17)

10.04.110. Accidental and Slug Discharges. SHARE

(1) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or users own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. The City shall evaluate, at least once each year whether each significant industrial user should be required to prepare a plan to control spills and slug discharges. When a plan is required, no industrial user shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(2) Written Notice. Within five (5) days following an accidental discharge; the user shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kill, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(3) Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(4) The POTW may require a user to institute and implement an accidental or slug discharge control plan when the following conditions exist:

- (a) A volume more than twice the maximum normal daily discharge volume.
- (b) A concentration of pollutants of concern which causes the user to violate instantaneous, daily or monthly maximum discharge limitations.
- (c) An adverse effect on wastewater facilities.
- (d) A condition which may violate conditions in [40 CFR 403](#).

(e) A need for control to prevent potential POTW problems by chemicals stored or discharged.

(f) Practices by the user which may be or are actually a potential of concern.

(g) Potential to cause harm based upon knowledge of previous slug impacts, local limits violation, sampling, inspections, or other non-routine discharge events.

(5) If an industrial user is required to develop and implement a slug control plan, it shall contain, at a minimum, the following elements:

(a) A description of discharge practices, including non-routine batch discharges.

(b) A description of stored chemicals.

(c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a specific prohibition, with procedures for follow-up written notification within five (5) days.

(d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures for emergency response. (Am 1991-41, Am 1995-12)

10.04.120. Purpose. SHARE ...

It is the purpose of this chapter to provide for the recovery of costs from Users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's Consolidated Fee Schedule. (Am 1991-41)

10.04.130. Charges and Fees. SHARE ...

(1) The City may adopt charges and fees as shown on the Consolidated Fee Schedule adopted by the Municipal Council, which may include:

(a) fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;

(b) fees for sampling, monitoring, inspections, reinspections and surveillance procedures, including laboratory analysis;

(c) fees for reviewing accidental discharge procedures and construction;

(d) fees for permit applications;

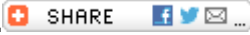
(e) fees for filing appeals;

(f) fees for consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards; or

(g) other fees as the City may deem necessary to carry out the requirements contained herein.

(2) These fees related solely to the matters covered by this Chapter and are separate from all other fees chargeable by the City. (Am 1991-41, Am 2006-15, Am 2006-16)

10.04.140. Wastewater Dischargers.



It shall be unlawful to discharge without a City permit to any natural outlet within Provo City, or in any area under the jurisdiction of said City, and/or to the POTW any wastewater except as authorized by the Director in accordance with the provisions of this Chapter. (Am 1991-41, Am 1995-12)

10.04.150. Wastewater Contribution Permits.



(1) General Permits. All significant users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW.

(2) Permit Application. Users required to obtain a Wastewater Contribution Permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by a permit fee as adopted by the Municipal Council. Proposed new users shall apply at least 90 days prior to connecting or to contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) name, address, and location, (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Office of Management and Budget, 1972, as amended;
- (c) wastewater constituents and characteristics including but not limited to those mentioned in this Chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(h) of the Act and contained in [40 CFR](#), Part 136, as amended;
- (d) time and duration of contribution;
- (e) average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (f) site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (g) description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) the nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;
- (i) if additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the

compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc).

(ii) No increment referred to in paragraph (1) shall exceed six (6) months.

(iii) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, as a minimum whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Director.

(j) each product produced by type, amount, process or processes and rate of production;

(k) type and amount of raw materials processed (average and maximum per day);

(l) number and type of employees, and hours of operation of plan and proposed or actual hours of operation of pretreatment system; and

(m) any other information as may be deemed by the City to be necessary to evaluate the permit application. The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

(3) Permit Modification. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit the user shall apply for a Wastewater Contribution Permit within one hundred eighty (180) days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the user with an existing Wastewater Contribution Permit shall submit to the Director within one hundred eighty (180) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Subsections (2)(h) and (2)(i) of this Section.

(4) Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this Chapter, general pretreatment standards, categorical pretreatment standards, local limits, State and local law, and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

(a) the unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(b) limits on the monthly average and daily and instantaneous maximum wastewater constituents characteristics;

- (c) limits on monthly average and daily and instantaneous maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) requirements for installation and maintenance of inspection and sampling facilities;
- (e) specifications for monitoring programs which may include sampling locations, equipment, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) compliance schedules;
- (g) requirements for submission of technical reports of discharge reports;
- (h) requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
- (i) requirements for notification of the City or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (j) requirements for notification of slug discharges as per Section [10.04.230](#), Provo City Code; and
- (k) other conditions as deemed appropriate by the City to ensure compliance with this Chapter. (Am 1991-41, Am 1995-12, Am 2006-49)

10.04.160. Permit Duration and Transfer.

(1) Permits Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of thirty (30) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in the user's permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. A permit shall remain effective while a new application is being reviewed by the City.

(2) Permit Transfer. Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit and a copy of the existing permit shall be provided to the succeeding owner or user by the transferor before any transfer is made. (Am 1991-41, Am 1995-12, Am 2006-49)

10.04.170. Reporting Requirements for Permittee.

(1) Compliance Date Report. Within sixty (60) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, and user subject to Pretreatment Standards and Requirements shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and

Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This report shall also include the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate information submitted. Based on my inquiry of the person or persons who manage the system, or those people directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." This statement shall be signed by an authorized representative of the industrial user.

(2) Periodic Compliance Reports.

(a) Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Director during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Director, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Subsection (2)(b) of this Section. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.

(b) The Director may impose mass limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subparagraph (a) of this Paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Director, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(h) of the Act and contained in [40](#) CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

(c) Where [40](#) CFR, Part 136 does not include a sampling of analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

(3) The POTW may notify all IUs of their duty to inform the POTW, the Utah State Bureau of Solid and Hazardous Waste and the EPA Regional Waste Management Director, of all hazardous substances that they discharge to the POTW. (Am 1991-41, Am 1995-12, Am 2005-17)

(1) The City shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(2) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(3) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within sixty (60) days following written notification by the City. (Am 1991-41)

10.04.190. Inspection and Sampling.



(1) The City shall inspect the facilities of any user to ascertain whether the purpose of this Chapter is being met and all requirements are being complied with.

(2) Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, copy monitoring records or in the performance of any of their duties.

(3) The City, Approval Authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific requirements. (Am 1991-41, Am 1995-12)

10.04.200. Pretreatment.



(1) Users shall provide necessary wastewater treatment as required to comply with this Chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

(2) Pursuant to [40 CFR 403.8\(f\)\(2\)\(vii\)](#), the City shall annually publish in the Provo Daily Herald newspaper a list of the users who have been in significant non-compliance with any Pretreatment Requirements or Standards at least once during the twelve (12) previous months. This notification shall also summarize any enforcement actions taken against the user(s) during the same

twelve (12) months. For purposes of this section an industrial user is in significant noncompliance (SNC) if its violation meets one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of all the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- (b) Technical Review Criteria (TRC) violations defined here as those in which thirty three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).
- (c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- (f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 60 (sixty) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (g) failure to accurately report non-compliance.
- (h) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

(3) All records relating to compliance with Pretreatment Standards shall be kept for a minimum of three (3) years, and shall be made available to the public, officials of the EPA, State of Utah, and Provo City Approval Authority upon request. (Am 1991-41, Am 1995-12, Am 2005-17)

10.04.210. Confidential Information.



(1) Any information submitted pursuant to the General Pretreatment Regulation requirements may be claimed as confidential by submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or in the case of submission, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the POTW may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in [40 CFR Part 2](#) (Public Information).

(2) Information and data provided which is effluent data shall be available to the public with out restriction.

(3) All other information which is submitted shall be available to the public at least to the extent provided by [40 CFR Part 2.302](#).

(4) Federal, State, and Local Authorities shall have immediate access to all information in the possession of Provo City concerning pretreatment. (Am 1991-41, Am 1995-12)

10.04.220. Enforcement Response Plan.



(1) Pursuant to [40 CFR 403.8\(f\)\(5\)](#), Provo City has developed and implemented an enforcement response plan containing detailed procedures on how the City's POTW will investigate and respond to instances of industrial user non-compliance. The plan contains:

- (a) Description of how the POTW will investigate instances of noncompliance.
- (b) Description of the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial use violations and the time periods within which the responses will take place.
- (c) Title of the official(s) responsible for each type of response.
- (d) POTW's primary responsibility to enforce all applicable pretreatment requirements and standards.

(2) As part of the City's enforcement response plan, the City may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of the persons, to the environment, causes Interference to the POTW or causes the City to violate any condition of its UPDES Permit.

(3) Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of occurrence. (Am 1991-41, Am 1995-12)

10.04.230. Revocation of Permit.



Any user who violates the following conditions of this Chapter, or applicable state and federal laws and regulations, is subject to having the user's permit revoked in accordance with the procedures of this Chapter:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of the discharge or any other falsification or intentional misrepresentation of data or statements;
- (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics or failure to timely submit required reports and forms;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring or sampling; or,

(4) Violation of any of the conditions of the permit;

(5) Non-payment of any fees, charges, fines, or surcharges.

(6) After inspection, monitoring or analysis, it is determined that a discharge is violation of the permit or applicable local, state, or federal regulations. (Am 1991-41, Am 1995-12)

10.04.240. Notification of Violation. SHARE

Whenever the City finds that any user has violated or is violating this Chapter, Wastewater Contribution Permit, or any prohibition, limitation of requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within ten (10) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user. (Am 1991-41, Am 1995-12)

10.04.250. Show Cause Hearing. SHARE

(1) The City may order any user who violates and/or causes or allows an unauthorized discharge to enter the POTW to show cause before the Mayor or the Mayor's designee, why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Mayor or the Mayor's designee, regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Mayor or the Mayor's designee, why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The Mayor or the Mayor's designee may conduct the hearing and take the evidence, or may designate an employee of the Mayor's office, or any officer or employee of the Department of Water Resources to:

(a) Issue in the name of the City notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(b) Take the evidence; and

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Mayor or the Mayor's designee for action thereon

(3) At any hearing held pursuant to this Chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(4) After the Mayor or the Mayor's designee has reviewed the evidence, the Mayor may issue an order to the user responsible for the violation imposing appropriate penalties and directing that, following a specified time period, enforcement shall escalate unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated, and the violation remedied. Further orders and directives as are necessary and appropriate may be issued. (Am 1991-41, Am 2006-49)

10.04.260. Legal Action. SHARE

If any person discharges sewage, commercial or industrial wastes or other wastes into the City's waste water disposal system contrary to the provisions of this Chapter, Federal or State Pretreatment Requirements or any order of the City including a cease and desist order, the City Attorney may commence an action for appropriate legal and/or equitable relief in the District Court of this County continued pollution resulting from a violation of the order. (Am 1991-41, Am 1993-33)

10.04.270. Administrative, Civil and Criminal Penalties.

(1) Any person who is found to have violated an order of the Mayor or the Mayor's designee, or who willfully or negligently fails to comply with any provision of this Chapter or any orders, rules, regulations and permits issued hereunder, and upon a showing that the violation occurred after notice and hearing as provided in Section [10.04.250](#), Provo City Code, shall be subject to an administrative penalty not to exceed one thousand dollars (\$1,000.00) per day per violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

(2) In lieu of the administrative penalties provided herein, pursuant to authority granted by the Utah Water Quality Act, any person who violates this Chapter, or any permit rule, or order adopted under it, upon a showing that the violation occurred, is subject in a civil proceeding in the District Court, to a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day.

(3) A fine not exceeding twenty-five thousand dollars (\$25,000.00) per day may be assessed against any person who willfully or with gross negligence:

(a) discharges pollutants in violation of Section [10.04.040](#), Provo City Code or in violation of any condition or limitation included in a permit issued under Section [10.04.150](#), Provo City Code;

(b) violates Section [10.04.190](#), Provo City Code; or

(c) violates a pretreatment standard or toxic effluent standard for publicly-owned treatment works.

(4) The City may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation in the civil proceeding against the person and/or entity found to have violated this Chapter or the orders, rules, regulations, and permits issued hereunder.

(5) It shall be unlawful and a class B misdemeanor for any person to knowingly violate any provision of this Chapter. (Am 1989-60, Am 1991-41, Am 1993-33, Am 2005-17, Am 2006-49)

10.04.280. Falsifying Information.

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or by any permit, rule, or order issued under it, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained by this Chapter shall be punished by a fine not exceeding ten thousand dollars (\$10,000.00) or by imprisonment for not more than six months, or by both. (Am 1991-41, Am 1993-3)

10.04.290. Severability.

If any provision, paragraph, word, section or article of this Chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect. (Am 1991-41)

10.04.300. Conflict.

All other Chapters and parts of the Provo City Code or other City ordinances inconsistent or conflicting with any part of this Chapter are hereby repealed to the extent of such inconsistency or conflict.

Chapter 10.05 Irrigation and Storm Systems.

- [10.05.010.](#) Preparation of Water Schedule.
- [10.05.020.](#) Entitlement to Use of Water.
- [10.05.030.](#) Users to Control Water.
- [10.05.040.](#) Changes in Irrigation Water System.
- [10.05.050.](#) Headgates.
- [10.05.060.](#) Taking Water Out of Turn.
- [10.05.070.](#) Damaging Irrigation System.
- [10.05.080.](#) Lateral Ditches Excluded from Irrigation System.
- [10.05.090.](#) Irrigation Fees.

10.05.010. Preparation of Water Schedule.

After the 1st day of October in each year the City shall prepare a schedule allocating City irrigation water among the users thereof. The schedule shall include the amount of water to be received by each user, the time at which the water will be received and a calculation of the fees to be paid. These fees shall be as shown on the Consolidated Fee Schedule adopted by the Municipal Council. (Am 2006-15)

10.05.020. Entitlement to Use of Water.

Every person owning City lots or land irrigated by water over which Provo City acts as the distributing agent, shall be entitled to the use of water as described in the City schedule, provided the lot can be served from the City's existing system, and provided further that no major expenditures are required to serve such lot, and provided further that the fees herein mentioned have been paid and that all the requirements of this Title have been complied with by the owner of such property. It shall be unlawful for any person to use such water without first having paid the fee provided for by this Title.

10.05.030. Users to Control Water.

(1) Persons using water for irrigation within the limits of the City, shall be required to control all the water distributed to them, and shall be liable for all damages caused through their neglect. The City may turn the water from any person neglecting to properly control the same.

(2) It shall be the duty of all persons using water for irrigation purposes in the City, to conduct the surplus waste water into a City irrigation ditch, except as hereinafter provided.

(3) It shall be unlawful for any person, so using or conducting such water, to permit the same to flood the street, sidewalks or private property or to run to unnecessary waste; provided, that it shall be unlawful for any person, during the freezing non-irrigation season of the year to conduct or turn water into or to turn surplus or waste water into any irrigation ditch situated on any public street of the City.

10.05.040. Changes in Irrigation Water System. SHARE ...

(1) It shall be unlawful to alter, move, cover or change in any way any headgate, irrigation ditch pipeline or other right-of-way through which Provo City irrigation water travels, without the prior written consent of the Director of Water Resources.

(2) Any person proposing to make a change described in Subsection (1) of this Section shall submit written plans describing said change to the Director of Water Resources. Said plans, when approved, shall be implemented at the expense of the person proposing the change.

(3) Any person who makes an unauthorized change prohibited by Subsection (1) of this Section shall be liable for all damages and costs caused by said unauthorized action including the cost of any corrective or restoration work deemed necessary by the Director. (Am 1988-56)

10.05.050. Headgates. SHARE ...

It shall be unlawful for any person to convey any water from any ditch or canal of the City without first having provided a good and sufficient headgate through which to take such water, to the acceptance of the City, or fail to keep such headgate in good repair, or who shall fail to close the headgate at the expiration of the time allotted to such person for the use of such water. (Am 2006-49)

10.05.060. Taking Water Out of Turn. SHARE ...

It shall be unlawful for any person to take any water under the control of the City at any time when such water shall have been distributed by authority of the City to any other person, or take any greater quantity of such water than has been duly distributed to such person, or interfere with or change the flow of any water when lawfully distributed to any other person for irrigation or other useful purposes, except when authorized to make such changes. (Am 2006-49)

10.05.070. Damaging Irrigation System. SHARE ...

It shall be unlawful to wilfully or maliciously break or injure any dam, canal, headgate, water ditch or other means of diverting or conveying water for irrigation or other useful purpose, or to dig away the bank or banks of any ditch, canal or reservoir forming part of the City irrigation system.

10.05.080. Lateral Ditches Excluded from Irrigation System. SHARE ...

Lateral ditches are those ditches into which irrigation water is diverted from Provo City's irrigation system by one (1) or more property owners, serviced by such laterals. These lateral ditches generally dead end on private property and do not return any

water to Provo City's irrigation system. Property owners served by such lateral ditches shall bear the sole responsibility for the operation, maintenance, and protection of said lateral ditches. (Enacted 1988-59)

10.05.090. Irrigation Fees.

The fees to be charged for the use of Provo City irrigation water shall be as shown on the Consolidated Fee Schedule adopted by the Municipal Council. (Am 2006-15)

Chapter 10.06 City Watershed.

- [10.06.010.](#) Definitions.
- [10.06.020.](#) Jurisdiction - Rules and Regulations.
- [10.06.030.](#) Pollution of Water Sources Prohibited.
- [10.06.040.](#) Construction - Approval Required - Conditions.
- [10.06.050.](#) Compliance with County, State and Federal Requirements.
- [10.06.060.](#) Plans, Specifications and Permit Conditions.
- [10.06.070.](#) Sale of Lots Prior to Construction Approval.
- [10.06.080.](#) Garbage and Sewage Disposal System Required.
- [10.06.090.](#) Sanitary Sewage Disposal System Required.
- [10.06.100.](#) Septic Tank Permit Conditions.
- [10.06.110.](#) Chemical Toilets or Privies.
- [10.06.120.](#) Alterations to Sanitary Facilities.
- [10.06.130.](#) Emptying Sanitary Facilities.
- [10.06.140.](#) Waste Hauling Required.
- [10.06.150.](#) Prohibited Location of Toilet Vaults.
- [10.06.160.](#) Unlawful to Break Condemning Seal.
- [10.06.170.](#) Animal Permit Required.
- [10.06.180.](#) Animals Deemed Estray - Impoundment.
- [10.06.190.](#) Corrals and Similar Structures.
- [10.06.200.](#) Animal Permit Requirements.
- [10.06.210.](#) Camping and Campfire Restrictions.
- [10.06.220.](#) Interfering with City Officers Prohibited.
- [10.06.230.](#) Vehicles.
- [10.06.240.](#) Penalty.

10.06.010. Definitions.

For the purposes of the Chapter, the following terms, phrases and words shall have the meanings set forth in this Section:

"Aquifer" means an underground formation that contains and transmits ground water.

"Chemical Toilet" means a non-flush device wherein the waste is deposited directly into a receptacle containing a solution of water and chemical housed in a permanent or portable structure.

"City" means the City of Provo, Utah.

"Condemning by Director" means a seal or order by the Director prohibiting use of a waste disposal facility, structure, or use for human occupancy.

"Department" means the Provo City Department of Water Resources.

"Director" means the Director of the Provo City Water Resources Department or an authorized representative.

"Drinking Water Source Protection Rule" means the Utah Drinking Water Source Protection Rule as adopted and/or amended by the State of Utah Department of Environmental Quality, Division of Drinking Water.

"Drinking Water Source Protection Zone" and **"Watershed Protection Zone"** mean those areas delineated or established by the Director in accordance with standards set by the Utah Drinking Water Source Protection Rule.

"Municipal" means the City of Provo, Utah.

"Owner" means any person who alone, jointly or severally with others:

(a) has legal or equitable title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(b) has charge, care, or control of any premises, dwelling, or dwelling unit, as legal or equitable owner or agent of the owner, or an executrix, administrator, administratrix, trustee, or guardian of the estate of the owner, with or without possession.

"Person" means any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of any estate, the State or its departments, institution, bureau, agency, county, City, political subdivision, or any legal entity recognized by law.

"Pollution" means those contaminants to ground water identified as a "pollution source" as defined in the Drinking Water Source Protection Rule.

"Provo City Watershed Area" means any area or territory occupied by or tributary to Provo City's waterworks and all reservoirs, streams, canals, ditches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, for fifteen (15) miles above the point from which it is taken and for a distance of three hundred (300) feet on each side of such stream and over highways along such stream or watercourse within said fifteen (15) miles and said three hundred (300) feet.

"Putrescible material" means any organic material subject to biological decomposition with the production of offensive odors associated with anaerobic or aerobic conditions, including but not limited to dead animals, garbage, manure, and vegetable compost matter.

"Reservoir" means any natural or artificial lake or pond except a storm water detention basin.

"Scavenger operation" means any business activity or solicitation by which wastes are collected, transported, stored or disposed of by a collection vehicle. This shall include, but not be limited to, the cleaning out of septic tanks, sewage holding tanks, chemical toilets, and vault privies.

"Septic Tank" means a watertight receptacle which receives the discharge of drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge into soil outside of the tank through an underground absorption system.

"Sewage" means a combination of liquid or water carried wastes produced by man, animal, or fowl from residences, business buildings, institutions, industrial establishments, agriculture, recreation, and other locations including septic tanks, privy vaults, and cesspools, together with ground, surface, and storm water.

"Sewage Disposal System" means any system for the disposal of sewage including, but not limited to, sewers, septic tanks, vault privies, and chemical toilets.

"Sewage Holding Tank" means a watertight receptacle which receives sewage from the discharge of a drainage system and retains such wastes until removal and subsequent disposal by scavenger operation.

"Vault Privy" means any facility wherein the waste is deposited without flushing, into a vault or receptacle, which is usually installed below ground.

"Waste" means, for purpose of this Chapter, domestic waste water or sewage which is normally deposited in or retained for disposal in sewers, septic tanks, sewage holding tanks, chemical toilets, or vault privies.

"Watercourse" means aqueducts, pipelines, natural or artificial streams or channels through or in which water at any time flows.

"Watershed" means the Provo City Watershed Area. (Enacted 1994-85)

10.06.020. Jurisdiction - Rules and Regulations. [SHARE](#)

In enacting this Chapter it is Provo City's intent to protect its watershed and to assert jurisdiction over the Provo City Watershed Area, including aquifers and surface waters to the maximum extent allowed by law consistent with the Utah Drinking Water Source Protection Rule as adopted and/or amended by the State of Utah Department of Environmental Quality. Provo City hereby adopts by reference as a portion of the Provo City Code Rule R309-600 (Drinking Water Source Protection For Ground-Water Sources) as adopted and/or amended by the State of Utah Drinking Water Board. In addition to the provisions of this Chapter the Director of Water Resources is hereby authorized to prescribe rules and regulations not contrary to law, for governing all matters of water quality within the Provo City Watershed Area. (Enacted 1994-85, Am 2001-06)

10.06.030. Pollution of Water Sources Prohibited. [SHARE](#)

It shall be unlawful for any person to commit any nuisance or allow to be done any act that will pollute any source of water in the Provo City Watershed Area. In particular, it shall be unlawful for any person to do or allow to be done any of the things

proscribed in this Chapter anywhere within any Drinking Water Source Protection Zone established by the Director of Water Resources pursuant to the Utah Drinking Water Source Protection Rule or any other rule or standard adopted by Provo City. (Enacted 1994-85)

10.06.040. Construction - Approval Required - Conditions.



It shall be unlawful to construct any new structure for human habitation within the Provo City Watershed Area without first securing approval from the Director in accordance with the provisions of this Chapter. No new structure in the watershed shall be approved without complying with all other requirements set forth in this Chapter. The requirements of this section shall not apply to residences and other buildings existing at the time of enactment of this Chapter. (Enacted 1994-85)

10.06.050. Compliance with County, State, and Federal Requirements.



All applicants for a building permit within the watershed shall comply with all City, county, state, and federal waste disposal system regulations. (Enacted 1994-85)

10.06.060. Plans, Specifications, and Permit Conditions.



(1) All applicants for a building permit within the municipal watershed shall submit a copy of all plans, specifications and drawings required to be submitted to other proper authorities by applicable laws or the Provo City Code or other City ordinances, to the Department of Water Resources.

(2) In addition to any other necessary permits, approval by the Director shall be obtained for all construction in the Provo City Watershed Area. Building permits and plan approvals by other agencies of government, including county, state, and federal government, shall not be considered approval by Provo City. (Enacted 1994-85)

10.06.070. Sale of Lots Prior to Construction Approval.



If any lot is sold before a building permit has been approved by the Director of Water Resources, the seller shall notify the buyer that construction has not been approved. (Enacted 1994-85)

10.06.080. Garbage and Sewage Disposal Requirements.



(1) Approvals for the construction and maintenance of all garbage and/or sewage disposal systems within the Provo City Watershed Area shall be under the direct supervision and control of the Director of Water Resources. It shall be unlawful to:

(a) Construct, use, or maintain any sewage disposal system anywhere within the watershed without first obtaining the written approval of the Director of Water Resources. The Director of Water Resources shall only give approval for the construction, use, or maintenance of a sewage disposal system if the owner of the sewage disposal system can demonstrate that said construction, use, or maintenance of the sewage disposal system will not violate established standards or rules for Drinking Water Source Protection Zones. At the time of adoption of this Chapter, existing systems shall be allowed to continue as long as they are not modified, expanded, damaged, become inoperable, or otherwise constitute a threat of contamination to the watershed.

(b) Throw or break bottles or glass, or deposit garbage, debris, or other deleterious matter of any kind anywhere within the watershed, except into a designated garbage container.

(c) Deposit any dead animal or any putrescible matter within the Provo City Watershed Area.

(d) Damage, vandalize, alter, or destroy any authorized sewage disposal system in the watershed. The owner has responsibility for immediate correction.

(e) Pump sewage storage vaults or conduct a scavenger operation except in accordance with all applicable laws rules, and regulations.

(2) A sewage disposal system within the Provo City Watershed Area shall be sealed immediately if it is unsanitary or does not comply with the water quality requirements of federal, state, or local law or regulations. Such facilities may not be used until they are made sanitary and conform to the requirements of federal, state, and local law and regulations. It shall be unlawful for any person to use or maintain any facility sealed in accordance with the provisions of this Section.

(3) When the Director determines that a sewage disposal system violates applicable laws, rules or regulations or is a potential hazard to the watershed and cannot be adequately remedied or corrected, the Director shall order the destruction and removal of said sewage disposal system. The cost of all remedies or destruction and removal shall be the responsibility of the property owner.

(4) As a condition of operating a sewage disposal system, the owner of property grants the Director and the Director's authorized agents the right to enter upon the owner's property to inspect for violations of federal, state, and City laws, rules, and regulation. Reasonable prior notice shall be given for such inspections unless in the opinion of the Director an emergency exists which might jeopardize the watershed. (Enacted 1994-85, Am 2006-49)

10.06.090. Sanitary Sewage Disposal System Required.



Any person who owns, operates, maintains or permits the use of any house, cottage, cabin, human habitation or camping place shall provide and maintain a sewage disposal system satisfactory to the Department of Water Resources, and upon such person's failure to do so, the Director of the Department of Water Resources shall have and there is hereby conferred upon the Director the authority to close, seal and prevent the use of such house, cabin, human habitation, or camping place. (Enacted 1994-85)

10.06.100. Septic Tank Permit Conditions.



Septic tanks and drain fields in the Provo City Watershed Area may only be used if permitted by the Director in addition to approval by other governing agencies. The location and construction of the same must be approved by written permit granted by the Department of Water Resources. (Enacted 1994-85)

10.06.110. Chemical Toilets or Privies.



Use of chemical toilets and vault privies in the Provo City Watershed Area shall be installed and used only with the prior written approval of the Director of Water Resources. Such approval shall be in addition to approval by other governing agencies. Vault privies, chemical toilets, and sewage holding tanks may be permitted with the written approval of the Director provided the contents removed from tanks is treated in conformance with the Utah State Department of Health, Code of Waste Disposal Regulations and transported from the Provo City Watershed Area by a licensed waste hauler to an authorized sewage treatment facility. (Enacted 1994-85)

10.06.120. Alterations to Sanitary Facilities.



No person shall alter any existing, or construct or install, any new receptacle for sanitary sewage disposal without first having the plans thereof approved by the Director of Water Resources and all such systems shall be operated and maintained in a manner approved by the Director. (Enacted 1994-85)

10.06.130. Emptying Sanitary Sewage Facilities.



All vaults or other approved receptacles used by any person for storage of sewage shall be emptied completely at least once each year. Additionally, whenever the level of sewage in such vault or receptacle is allowed to reach eighty percent (80%) of capacity or a point twelve (12) or less inches below any removal or leakage point, or the ceiling of such vault or receptacle, whichever point is lower, a notice of violation will be issued to the owner or operator of the facility using such vault or receptacle, allowing seven (7) days for complete removal of such sewage. Upon any failure to comply with a notice to remove all sewage within seven (7) days, the house, cabin, human habitation or camping place, or other facility involved in such notice may be closed and sealed to prevent its use until the owner or operator of such facility complies herewith. If determined a health hazard by the Director, all owners and others having control over the use of such facilities are encouraged to keep the level of sewage below sixty percent (60%) of the vault's capacity to allow sufficient reserve for emergencies. (Enacted 1994-85)

10.06.140. Waste Hauling Required.



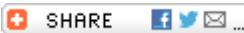
The contents removed from any sewage holding tank and vault privies for sewage must be hauled by a licensed scavenger operation (waste hauler) at the cost of the owner or occupant to an approved sewage treatment facility. (Enacted 1994-85)

10.06.150. Prohibited Location of Toilet Vaults.



It shall be unlawful for any person to construct, locate or maintain any vault for the deposit or storage of sanitary sewage within one hundred (100) lineal feet of the edge of any spring, marsh, watercourse, water source or reservoir within the Provo City Watershed Area or at any place in such manner as to contaminate or threaten to contaminate the same. (Enacted 1994-85)

10.06.160. Unlawful to Break Condemning Seal.



It is unlawful for any person to break or remove any seal placed by the Director or the Director's authorized representative upon any privy, water closet, urinal or other place where human waste is deposited, or to use any such place so sealed until the nuisance is abated and the seal properly removed. (Enacted 1994-85)

10.06.170. Animal Permit Required.



It shall be unlawful to keep or maintain for a period in excess of thirty (30) day, including but not limited to, any domestic animals, including dogs, cattle, horses, sheep, and hogs within the City's watershed area without first obtaining a written animal permit from the Director of the Water Resources Department. (Enacted 1994-85)

10.06.180. Animals Deemed Estray - Impoundment.



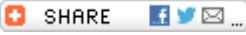
It is unlawful for any owner or person keeping, harboring, or having charge or control of any animal to permit such animal to run loose upon any Provo City watershed areas. Such animal shall be deemed an estray and the Department of Water Resources may cause any such animal to be impounded and dealt with according to law. (Enacted 1994-85)

10.06.190. Corrals and Similar Structures.



It shall be unlawful for any person to construct or maintain any corral, sheep pen, pigpen, chicken coop, stable, or any offensive or contaminating yard or outhouse except as permitted by Section [10.06.210](#), Provo City Code. (Enacted 1994-85)

10.06.200. Animal Permit Requirements.



Owners or lessees of property or residences located within the Provo City Watershed Area may be allowed to maintain domesticated animals within the watershed only with, and subject to, an animal permit issued by the Provo City Department of Water Resources:

- (a) When requested, applicants for said permits shall demonstrate to the satisfaction of the Director the basis and/or extent of their ownership or lease interest.
- (b) Applicants shall inform the Department of Water Resources as to the number and type of animal(s) and their proposed method of controlling and maintaining the animal(s).
- (c) The animal(s) enclosures shall be kept and maintained in a reasonably clean and sanitary condition at all times and subject to inspection at any time by representatives of the Department of Water Resources.
- (d) Fecal waste must be disposed of in a manner approved by the Department of Water Resources so as to prevent contamination of the watershed.
- (e) Violation of the conditions of the permit shall be unlawful and any permittee who is found to be in violation of the permit or any of the requirements of this Chapter shall be subject to all applicable fines and penalties as set by law. (Enacted 1994-85)

10.06.210. Camping and Campfire Restrictions.



- (1) The Director of the Department of Water Resources may require that picnicking or camping be restricted from certain designated places. No person shall picnic or camp at places so posted by the Director. Camping shall only be permitted during the camping season established by the United States Forest Service.
- (2) When conditions warrant, as determined by the Director of Water Resources, the Director may prohibit campfires and/or smoking on the watershed or within designated areas on the watershed. (Enacted 1994-85)

10.06.220. Interfering with City Officers Prohibited.



It is unlawful for any person to interfere with, molest, hinder or obstruct any municipal officer, official, or employee who is performing any duty imposed by this Chapter. (Enacted 1994-85)

10.06.230. Vehicles.



- (1) It shall be unlawful for any person to operate any type of motor vehicle (including but not limited to motorcycles, trail bikes, dune buggies, motor scooters or jeeps) upon any public property, within the watershed except on designated roads, without first obtaining the written permission of the public entity which is in possession of such property.
- (2) Subsection (1) of this Section does not necessarily prohibit the use of real property primarily devoted toward agricultural purposes, including the following:

(a) emergency vehicles;

(b) vehicles being operated on property devoted to agricultural purposes where such operation is in conjunction with agricultural use and permission for such operation is implied or expressly given by the person in possession of said property;

(c) vehicles operated on property actually used for residential purposes where such vehicles are there at the express or implied invitation of the owner or occupant; and

(d) vehicles being operated on public or private parking lots where permission to do so is implied or expressly given by the person in possession of such lot unless the Director makes specific findings such uses or vehicles threatens the integrity of the watershed. (Enacted 1994-85)

10.06.240. Penalty.



Violation of any provision of this Chapter shall be a class B misdemeanor. (Enacted 1994-85)

Chapter 15.15 Annexation.

[15.15.010.](#) General Requirements.

[15.15.020.](#) Property Owner Initiation of Annexation.

[15.15.030.](#) Procedure for Petitions and Plats.

[15.15.040.](#) Annexation Petition Review.

[15.15.050.](#) Municipal Initiation of Annexation.

15.15.010. General Requirements.



In order to assure orderly growth and development of the community and protect the general interest of the taxpaying public as well as the rights of individual property owners who wish to annex to the City, the following specific guidelines are established.

(1) That no annexation fee be charged. The City's policy of requiring developers and developers to provide for improvements through a bond procedure or through a special improvement district makes it unnecessary for the City to assess general impact fees at the time of annexation. Developers will, however, be subject to appropriate fees to offset the cost to the City of planning and supervision of subdividing, and the providing of utilities as those fees are provided for throughout the Provo City Code, other ordinance of the City or by resolution duly passed. A party annexing property will likewise be charged for services of the City for preparation of the annexation plat if that work is done by the City rather than by a private engineer or surveyor.

(2) That every annexation includes the greatest amount of property possible, be a contiguous area and be contiguous to the City's municipal boundaries.

(3) That piecemeal annexation of individual small properties not be allowed if contiguous parcels, soon to be developed, are available, in order to avoid repetitious annexation.

(4) That no pocket or islands of county jurisdiction be left or created, and that peninsulas and irregular boundaries be minimized.

- (5) That annexations generally follow existing roads, utilities and property lines in order to minimize the public expense for extension of main or service lines and streets.
- (6) That in order to facilitate the consolidation of overlapping functions of local government, promote the efficient delivery of services, encourage the equitable distribution of community resources and obligations and eliminate islands and peninsulas of territory that are not receiving municipal services, the boundaries of an area proposed for **annexation** shall be drawn, where practicable and feasible, along the boundaries of existing special districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow City boundaries or school districts adjacent to school districts whose boundaries follow City boundaries, and along the boundaries of other taxing entities.
- (7) That City utilities and services not be extended to unincorporated properties on the fringes of the City nor to islands of unincorporated property. In order to provide for orderly growth and development in the City and to avoid confusion and undue cost to the taxpayers, all utility and service hook-ons shall be limited to incorporated areas of the City and shall not be made available extraterritorially. The only exception shall be to those extensions which are made pursuant to agreements with other units of government under the Interlocal Government Cooperation Act, or by specific approval of the Municipal Council on request of the Mayor.
- (8) That utilities be extended to annexed areas as soon as practicable after **annexation**.

(a) Each **annexation** should require a disclosure by the developer of anticipated needs of utilities and street improvements and a timetable of anticipated development.

(b) Needed utilities should be extended into the annexed area as soon as practicable subject to budgetary limitations and extensions of main and service lines should be chargeable to the property development rather than to the public generally.

15.15.020. Property Owner Initiation of **Annexation**.

It is hereby recognized that Provo City's policy shall be to allow the property owner contiguous to the City boundaries, absent some reasonable public interest, to be and remain in control of both the discretion as to whether to be annexed into the City and the timing in conjunction with such **annexation**. When initiated by the property owner, the process for **annexation** shall be as follows:

(1) The property owner or owners shall submit to the City a petition for **annexation** in the form and meeting the criteria established by state law. Said petition shall contain signatures of property owners representing a majority of the land area and at least one third (1/3) of the value of real property within the area proposed for **annexation**. Said petition shall designate up to five (5) of the petitioners as sponsors, one (1) of whom shall be designated as the contact sponsor. The mailing address of each sponsor shall be included in the petition.

(2) Attached to and as a part of the petition shall be an accurate survey plat of the property to be annexed, prepared by a surveyor licensed to practice in Utah, accurately describing the existing City boundaries and each individual ownership sought to be annexed including an accurate legal description of the property to be annexed.

- (3) There shall also be attached to the **annexation** petition a statement as to the anticipated timetable for development of the property being annexed.
- (4) There shall be attached to the **annexation** petition a full disclosure statement of any and all waters owned or historically utilized on the property to be annexed and a statement from the water owner as to the water owner's estimate of value of the water or the price at which the owner is willing to sell the said water to the City.
- (5) The **annexation** petition shall not propose **annexation** of any land area proposed for **annexation** to a municipality in a previously filed petition that has not been granted, denied or rejected.
- (6) The **annexation** petition shall not propose **annexation** of any land area being considered for incorporation under Utah state law.
- (7) On the date of filing the **annexation** petition with the City Recorder, the petition sponsor(s) shall also deliver or mail a copy of the petition to the County Clerk of Utah County and to the chair of the Planning Commission of each township in which any part of the area proposed for **annexation** is located. (R&R 1999-34, Am 2006-50)

15.15.030. Procedure for Petitions and Plats.



The procedure for processing **annexation** petitions and plats shall be as follows:

- (1) A petition and proper plat certified by a licensed surveyor shall be submitted to the City Recorder as set forth in state law, together with any other information required by the City staff to enable the staff to prepare its impact report pursuant to Section [15.15.040](#), Provo City Code.
- (2) Prior to Municipal Council action on the petition, the petition and plat shall be forwarded to the Community Development Director who shall determine the feasibility of expanding the **annexation** boundaries.
- (3) If the Municipal Council accepts the **annexation** petition, the petition shall be forwarded to the City Recorder for certification pursuant to Section [10-2-405](#), Utah Code, as amended.
- (4) If the **annexation** petition is certified by the City Recorder, the Municipal Council shall provide for public notice and a hearing as set forth in Section [10-2-406](#), Utah Code, as amended.
- (5) The Planning Commission, upon referral from the Community Development Director, shall hold a public hearing and make a recommendation on the **annexation** proposal to the Municipal Council.
- (6) The Council, after receipt of the Planning Commission's recommendation, shall hold a public hearing on all proposed annexations after giving appropriate notice. After closure of the public hearing, the Municipal Council may either grant or deny the **annexation** petition; provided, however, that protests to an **annexation** petition shall be dealt with as set forth in Section [10-2-407](#), Utah Code, as amended. (R&R 1999-34)

15.15.040. Annexation Petition Review.



Once the **annexation** petition has been accepted by the Municipal Council, general **annexation** procedure shall be that provided by state law; provided, however, that the Municipal Council shall not take final action on any petition until the same has been

reviewed by the Provo City Planning Commission and by the Provo City staff review committee. The staff review committee, for purposes of this review, shall be composed of the following, or their designees:

The City Engineer

The Director of Public Works

The Director of Energy

The Fire Chief

The Police Chief

The Traffic Engineer

The Long Range Planner

The Community Development Director

The staff review committee will review each **annexation** request and prepare a staff report with considerations and a recommendation for the municipal council and/or Planning Commission indicating an evaluation of the proposed **annexation** and shall include at least the following information:

- (1) The ability to meet **annexation** policy criteria.
- (2) An accurate map of the proposed **annexation** area showing the boundaries and property ownership within the area, the topography of the area and major natural features (e.g., drainage, channels, wooded areas, areas of high water table, etc.)
- (3) Current and potential population of the area and the current residential densities.
- (4) Land uses presently existing and those proposed.
- (5) A statement as to how the proposed area, and/or its potential land use, would contribute to the achievement of the goals and policies of the Provo City general plan.
- (6) Assessed valuation of the current properties.
- (7) Potential demand for various municipal services, and the need for land use regulation in the area.
 - (a) Distance from existing utility lines.
 - (b) Special requirements (e.g., flood plain, hillside regulations) of the Provo City Code.
 - (c) Distance to public schools, parks, and shopping centers.
 - (d) Traffic generated by expected land uses.

(8) The effect that the **annexation** will have upon City boundaries and whether the **annexation** will ultimately create potential for islands, undesirable boundaries, and difficult service areas.

(9) A specific timetable for extending services to the area and how these services would be financed.

(10) Potential revenue versus service costs.

(11) An estimate of the tax consequences to residents of the area to be annexed in the City and county.

(12) Recommendations or comments of other local government jurisdictions regarding the proposal and potential impact of the **annexation** on general county economic needs, goals, or objectives. (R&R 1999-34)

15.15.050. Municipal Initiation of **Annexation.**



It shall be the policy of the City to annex areas meeting all of the following criteria, with or without receipt of a petition from the property owners:

(1) the **annexation** is of an island within or a peninsula contiguous to the City;

(2) the majority of the area consists of residential or commercial development;

(3) the area proposed for **annexation** requires the delivery of municipal-type services; and

(4) the municipality has provided most or all of the municipal-type services to the area for more than one (1) year.

Such annexations shall be processed as provided under Section [10-2-418](#), Utah Code, as amended. (R&R 1999-34)